IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

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WRIT PETITION NO : 18373 of 2004

Between:

A.Madhusudhan Rao, S/o. Kanakaiah,

Aged about 59 years, R/o A-22,

Madhuranagar, Hyderabad.

..... PETITIONER

AND

1. The Govt. of A.P. Industries & Commerce Dept.,

Secretariat Buildings, Hyderabad rep.by its Secretary.
2. The Managing Director, A.P. Brewerages Corporation Ltd.,
Prohibition & Excise Complex, 4th Floor, M.J.Road,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue Writ or Order or Direction, specially one in the nature of Writ of Mandamus: i) Declaring the action of respondents in not releasing the pay promotion on completion of 8 years of service and consequential arrears of salary, gratuity and payment of 175 days encashment of leave, as illegal and arbitrary; ii) Consequently direct the respondents to release the petitioner gratuity duly reckoning the date of his initial appointment as 21-11-1988, encashment of earned leave for 175 days and pay the arrears of pay and other revised terminal benefits duly granting pay

promotion on completion of 8 years of service as envisaged under G.O.Ms.No.87 dated 24-03-2003 and G.O.Ms.No.337 dated 17-11-2003 duly granting all other consequential benefits.

Counsel for the Petitioner: MR.K.VASUDEVA REDDY

Counsel for the Respondent No.1: GP FOR INDUSTRIES & COMMERCE

Counsel for the Respondent No.2: Mr.G.Manohar (S.C. for A.P.Brewerages Corporation Ltd.)

The Court at the stage of admission made the following :

THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

Writ Petition No. 18373 of 2004

ORDER:

The petitioner was initially appointed as a Deputy Manager in the Hyderabad Allwyn Limited on 21.11.1988. According to G.O.Ms.No.180 Industries and Commerce (PE Cell) Department, dated 28.04.1993, certain employees were identified by the Company and they were allotted to various Departments and in the said process, the petitioner was allotted to the second respondent. He joined the second respondent on 03.05.1993 and while working under the second respondent, he retired on 30.09.2003, after attaining the age of superannuation. The petitioner contends that as per G.O.Ms.No.87 Industries and Commerce (IFR.II) Department, dated 24.03.2003 and G.O.Ms.No.337 Industries and Commerce (IFR.II) Department, dated 17.11.2003, he is entitled for payment of pay promotion on completion of eight years of service, arrears of pay consequent upon such pay promotion to the next higher scale, gratuity and leave encashment for 175 days and the same have to be released to him, but the second respondent did not release all those benefits, therefore, he approached this Court through this writ petition, seeking a direction to the respondents to release his gratuity duly reckoning the date of his initial appointment as 21.11.1988, encashment of earned leave for 175 days and pay the arrears of pay and other revised terminal benefits duly granting pay promotion on completion of 8 years of service.

2. The learned Counsel for the respondents submits that G.O.Ms.No.337 dated 17.11.2003 was issued subsequent to the date of retirement of the petitioner, therefore, it is not applicable to the petitioner.

3. The petitioner contends that he made representations on 18.11.2003 and 19.12.2003 to the second respondent and on 29.03.2004 to the first respondent, for

the release of the benefits mentioned above.

4. The grievance of the petitioner is that so far, the respondents did not pass any orders on his representations, therefore, he approached this Court seeking a direction to the respondents to release the above mentioned benefits.

5. The learned counsel for the second respondent represents that on 01.09.2003 itself, the second respondent addressed the first respondent, seeking a clarification, regarding extending of benefits to the petitioner as claimed by him and the matter is pending with the first respondent, therefore, the second respondent could not pass any orders, extending the benefits to the petitioner as claimed by him.

6. In the light of the circumstances explained by the petitioner and in view of the pendency of the representations with the respondents 1 and 2, the respondents 1 and 2 are directed to consider the representations of the petitioner, in the light of the existing Rules and the Government Orders and pass appropriate Orders regarding the request of the petitioner for the benefits claimed by him in his representations, within two months from the date of receipt of a copy of this Order and communicate the same to the petitioner.

7. The Writ Petition is accordingly disposed of. No order as to costs.

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Dr.G.YETHIRAJULU, J

Date: 11th October, 2004.

Cs

NOTE:

Issue C.C. in two days.

B/O

cs

ASSISTANT REGISTER

//TRUE COPY//

SECTION OFFICER

To

1. The Secretary, Industries and Commerce Department, Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.
2. The Managing Director, A.P.Brewerages Corporation Limited, Prohibition and Excise Complex, 4th Floor, M.J.Road, Hyderabad.
3. Two C.Cs. to the Government Pleader for Industries and Commerce, High Court Buildings, Hyderabad. (OUT)
4. Two C.D. copies.